UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,662	03/06/2002	Masashi Yano	16869N -045500US	3839

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EXAMINER
ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/092,662	YANO ET AL.
	Examiner	Art Unit	
	Belix M. Ortiz	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24-34</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) <u>24-34</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on 24-October-2005, claims 1-23 are

    cancelled and new claims 24-34 are added. Therefore, claims 24-34 are

    presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

    basis for the rejections under this section made in this Office action:

    A person shall be entitled to a patent unless –

    (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
    in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
    patent by another filed in the United States before the invention by the applicant for patent, except that an
    international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
    subsection of an application filed in the United States only if the international application designated the United
    States and was published under Article 21(2) of such treaty in the English language.

3. Claims 24-27 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

    Fisher et al. (U.S. patent 6,535,891).

    As to claim 24, Fisher et al. teaches a storage system comprising:

    at least one communication port configured to be coupled to a network (see

    column 4, lines 4-13 and column 9, lines 18-25);

    a plurality of storage devices (see abstract); and

    a controller in data communication between the storage devices and the at least

    one communication port (see claim 49 and column 3 lines 47-54),

wherein the at least one communication port receives from a computer connected

to the network a request for storing file data (see abstract and claim 19),

wherein the controller is operable to obtain the file data associated with the

request for storing (see column 9, lines18-25),

wherein the controller is further operable to store constituent data blocks of the

file data among one or more of the storage devices (see column 1, lines 30-58),

wherein for each data block, a destination storage device is determined based at

least on a data structure of the data block (see column 1, lines 42-58).

As to claim 25, Fisher et al. teaches the storage system further comprising a

memory controller, wherein the tile data comprises a first data block and a second data

block (see figure 4), wherein the memory is configured with information indicative of

one or more storage devices on which the first data block is to be stored and on which the

second data block is to be stored (see column 1, lines 52-58 and column 3, lines 47-54),

wherein the controller is operable to store the first data block on a first of the one or more

storage devices and to store the second data block on a second of the one or more storage

devices according to the information (see column 3, lines 47-54).

As to claim 26, Fisher et al. teaches the storage system further comprising a

memory controller, wherein the memory is configured with information that associates

one or more storage devices with a data structure and with the port over which data is

received (see figures 1 and 2), wherein the controller identifies a destination storage

device for a received data block based at least on a data structure of the received data block and the port over which the received data block was received (see column 1, lines 49-54).

As to claim 27, <u>Fisher et al</u>. teaches wherein a first storage device is designated to store data blocks of a first data structure, wherein the controller stores a received data block having the first data structure in the first storage device (see figure 2 and column 1, lines 49-51).

As to claim 32, <u>Fisher et al</u>. teaches wherein one of the data blocks comprises image data (see column 1, lines 30-34).

As to claim 33, <u>Fisher et al</u>. teaches wherein one of the data blocks comprises synchronous data to reproduce data in a synchronous manner (see column 1, lines 30-34).

As to claim 34, <u>Fisher et al</u>. teaches wherein one of the data blocks comprises an object data of multimedia data (see column 1, lines 30-34).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Fisher et al</u>.

(U.S. pat. 6,535,891) in view of <u>Andrei et al</u>. (U.S. pub 2003/0110177).

As to claim 28, <u>Fisher et al</u>. does not teach wherein the data structure is

defined using XML (extended markup language) and includes a header tag indicative of a

start position of a file and an end position of the file, and at least one data block tag

indicative of one or more data blocks located between the header tag and the end tag

comprising the file.

<u>Andrei et al</u>. teaches a data mapping engine (see abstract), in which he teaches

wherein the data structure is defined using XML (extended markup language) and

includes a header tag indicative of a start position of a file and an end position of the file,

and at least one data block tag indicative of one or more data blocks located between the

header tag and the end tag comprising the file (see paragraph 30).

It would have been obvious to a person having ordinary skill in the art at

the time the invention was made to have modified <u>Fisher et al.</u> by the teaching of <u>Andrei</u>

<u>et al.,</u> because wherein the data structure is defined using XML (extended markup

language) and includes a header tag indicative of a start position of a file and an end

position of the file, and at least one data block tag indicative of one or more data blocks

located between the header tag and the end tag comprising the file, would enable the

storage system because, "each item name is then bound to the first item in the

corresponding collection and the literal start tag associated with the XMMultiple object is

output, blocks 166 and 168. At block 170, the map engine iterates over the child nodes, recursively appending each one to the XML output using the values of the collection items currently bound to the items names, before the literal end tag is output at block 172. At block 174, a determination is made as to whether there are any additional items remaining in the collections, block 174. If so, each item name is bound to the next set of collection items, block 176, and the process repeats, starting by outputting another instance of the literal start tag, block 168", (see Andrei et al., paragraph 60).

As to claim 29, Fisher et al. as modifies teaches wherein each data block tag is associated with a storage device, wherein the controller is operative to store data blocks indicated by a first data block tag onto a storage device associated with the first data block tag, wherein the controller is operative to store data blocks indicated by a second data block tag onto a storage device associated with the second data block tag (see Andrei et al, claim 10).

As to claim 30, Fisher et al. as modifies teaches wherein the controller is operative to select a predetermined data block based on the data block tag (see Andrei et al, figures 7c-7d and paragraphs 53-54).

As to claim 31, Fisher et al. as modifies teaches wherein each data block tag is associated with a storage device, wherein the controller is operative to store data blocks indicated by a first data block tag onto a storage device associated with the first data

block tag, wherein the controller is operative to store data blocks indicated by a second

data block tag onto a storage device associated with the second data block tag (see <u>Andrei</u>

<u>et al</u>, abstract; figure 11; and claims 1, 10, and 66).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The

examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

January 5, 2006

CHARLES RONES
SUPERVISORY PATENT EXAMINER